REMARKS

I. General

Claims 1-18 are pending in the present application. The claims stand objected to. Claims 13 and 16 stand rejected under 35 U.S.C. § 112. Claims 1, 4, 5, 7, 8, 11, 13, and 16 stand rejected under 35 U.S.C. § 102. Claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103. Applicant respectfully traverses the objections and rejections of record.

The claims stand objected to because they include reference characters which are not enclosed within parentheses. However, Applicant's review of the pending claims reveals that only claims 7 and 9 include numerals therein which are not enclosed within parentheses. Accordingly, the objection with respect to claims 1-6 and 13-18 is improper. Applicant has amended claims 7 and 9 to delete the numerals therein believed to be the source of the objection. Accordingly, Applicant respectfully requests that the objection with respect to the claims be withdrawn.

II. The 35 U.S.C. § 112 Rejections

Claims 13 and 16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that there is insufficient antecedent basis for claim 13's recitation of "said predetermined second format" and for claim 16's recitation of "a second data stream output," see the Office Action at page 2.

Claim 13 has been amended by the present Amendment to delete the definite article "said" and insert therefor the indefinite article "a" before the initial recitation of "predetermined second format." Accordingly, Applicant asserts that proper antecedent basis is provided within claim 13 for recital of the predetermined second format. The foregoing amendment does not alter the scope of the claim and does not introduce new matter.

Applicant has been unable to identify the basis for the 35 U.S.C. § 112 rejection of claim 16. The claim language introduces the "second data stream output" with the indefinite article "a". Moreover, claim 13, from which claim 16 depends, recites a first data stream

output, accordingly it does not appear that recitation of "second" is a cause for the rejection of record. Accordingly, Applicant respectfully asserts that claim 16 as originally submitted is definite under 35 U.S.C. § 112, second paragraph. If the Examiner maintains the rejection of claim 16 under 35 U.S.C. § 112, second paragraph, guidance with respect to the exact basis for the rejection is respectfully solicited.

III. The 35 U.S.C. § 102 Rejections

Claims 1, 4, 5, 7, 8, 11, 13, and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Martinez et al., United States patent number 5,956,665 (hereinafter *Martinez*). Applicant respectfully traverses the 35 U.S.C. § 102 rejections of record.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Claim 1 recites "[a] method of generating a visually perceptible output indicative of a status of an application program . . . ." In contrast to the subject matter of claim 1, *Martinez* monitors the physical arrangement and status of computer system devices or components disposed in a computer cabinet, see e.g., the Abstract and column 10, lines 4-11 and lines 42-48. *Martinez* does not address the status of an application program. Accordingly, Applicant respectfully asserts that *Martinez* does not teach every element of claim 1 or the claims dependent therefrom.

Claim 1 recites:

> encapsulating said first data stream in said first format into a predetermined second format; [and]
> aggregating information contained in said first data stream output in said second format by applying a first set of rules organizing said information into a plurality of categories . . . .

In rejecting the foregoing, the rejection of record states that "*Martinez* teaches . . . encapsulating the data stream into a second format and aggregating the data by applying rules for organizing the information into a plurality of categories (taught as the mapping of

received information into a data structure possible of obtaining a variety of forms, at col. 10, lines 20-31)," the Office Action at page 3. Assuming, *arguendo*, that the Examiner's statement regarding *Martinez* is accurate, the rejection of record does not establish that the limitations of the claim are met by the applied art. In particular, the claim language as set forth above recites encapsulating the first data stream into a second format and aggregating information contained in the first data stream output in said second format by applying a first set of rules. The rejection of record merely sets forth that the data of *Martinez* is encapsulated into a second format and that the data of *Martinez* is aggregated by applying rules. There is nothing in the rejection of record to establish that *Martinez* teaches aggregating information contained in a first data stream output in a second format by applying a first set of rules. Accordingly, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established with respect to claim 1, or the claims dependent therefrom.

Moreover, although *Martinez* teaches that the "data structure can take a variety of different forms depending upon the particular implementation chosen," column 10, lines 23-25, there is nothing in the disclosure of *Martinez* to teach or suggest encapsulating a first data stream, in a first format, into a predetermined second format. Of particular relevance to the rejection of record, *Martinez* does not teach or even suggest that a data stream is provided in a first format and that the above data structure is a predetermined second format into which the first data stream is encapsulated, nor has the Examiner shown otherwise. Accordingly, it cannot be said that *Martinez* shows the identical invention in as complete detail as is contained in the claim, as required for a proper rejection under 35 U.S.C. § 102. Applicant therefore requests that the 35 U.S.C. § 102 rejection of claim 1 and the claims dependent therefrom be withdrawn.

Claim 7 recites "[a] system for generating a visually perceptible output indicative of a status of an application program" and "an encapsulator configured to encapsulate a first data stream output in a first format from said application program . . . ." As discussed above with respect to claim 1, *Martinez* monitors the physical arrangement and status of computer system devices or components disposed in a computer cabinet, see e.g., the Abstract and column 10, lines 4-11 and lines 42-48. *Martinez* does not address the status of an application program. Accordingly, Applicant respectfully asserts that *Martinez* does not teach every element of claim 7 or the claims dependent therefrom.

Similar to claim 1 discussed above, claim 7 recites:

> an encapsulator configured to encapsulate a first data stream output in a first format from said application program into a predetermined second format; [and]
> an aggregator configured to aggregate information contained in said first data stream output in said second format by applying a first set of rules organizing said information into a plurality of categories . . . .

The Office Action sets forth the same reasons for rejecting claim 7 over *Martinez* as discussed above with respect to claim 1. Applicant has shown above that, even assuming the Examiner's statement regarding *Martinez* is accurate, the rejection of record does not establish that the limitations of the claim are met by the applied art. Specifically, there is nothing in the rejection of record to establish that *Martinez* teaches an aggregator configured to aggregate information contained in a first data stream output in a second format by applying a first set of rules. Accordingly, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established with respect to claim 7, or the claims dependent therefrom.

Moreover, also as discussed above with respect to claim 1, there is nothing in the disclosure of *Martinez* to teach or suggest an encapsulator configured to encapsulate a first data stream, in a first format, into a predetermined second format. *Martinez* does not teach or even suggest that a data stream is provided in a first format and that the data structure built by the mapping operation disclosed therein is a predetermined second format into which the first data stream is encapsulated. Accordingly, it cannot be said that *Martinez* shows the identical invention in as complete detail as is contained in the claim, as required for a proper rejection under 35 U.S.C. § 102. Applicant therefore requests that the 35 U.S.C. § 102 rejection of claim 7 and the claims dependent therefrom be withdrawn.

Similar to claim 7 discussed above, claim 13 recites "[a] computer readable media containing a software program for generating a visually perceptible output indicative of a status of an application program" and software configured to "encapsulate a first data stream output in a first format from said application program . . . ." *Martinez* monitors the physical arrangement and status of computer system devices or components disposed in a computer cabinet, see e.g., the Abstract and column 10, lines 4-11 and lines 42-48. *Martinez* does not address the status of an application program. Accordingly, Applicant respectfully asserts that *Martinez* does not teach every element of claim 13 or the claims dependent therefrom.

Similar to claims 1 and 7 discussed above, claim 13 recites:

> software configured to:
> encapsulate a first data stream output in a first format from said application program into a predetermined second format; [and]
> aggregate information contained in said first data stream output in said second format by applying a first set of rules organizing said information into a plurality of categories . . . .

The Office Action sets forth the same reasons for rejecting claim 13 over *Martinez* as discussed above with respect to claim 1. Applicant has shown above that, even assuming the Examiner's statement regarding *Martinez* is accurate, the rejection of record does not establish that the limitations of the claim are met by the applied art. Specifically, there is nothing in the rejection of record to establish that *Martinez* teaches an aggregator configured to aggregate information contained in a first data stream output in a second format by applying a first set of rules. Accordingly, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established with respect to claim 13, or the claims dependent therefrom.

Moreover, also as discussed above with respect to claim 1, there is nothing in the disclosure of *Martinez* to teach or suggest software configured to encapsulate a first data stream, in a first format, into a predetermined second format. *Martinez* does not teach or even suggest that a data stream is provided in a first format and that the data structure built by the mapping operation disclosed therein is a predetermined second format into which the first data stream is encapsulated. Accordingly, it cannot be said that *Martinez* shows the identical invention in as complete detail as is contained in the claim, as required for a proper rejection under 35 U.S.C. § 102. Applicant therefore requests that the 35 U.S.C. § 102 rejection of claim 13 and the claims dependent therefrom be withdrawn.

Dependent claims 4, 5, 8, 11, and 16 are each directly or indirectly dependent from one of the above independent claims. Accordingly, without conceding that the Examiner's assertions are valid with respect to the limitations of the rejected dependent claims, it is respectfully submitted that the dependent claims are allowable over the 35 U.S.C. § 102 rejections of record at least for the reasons set forth above with respect to independent claims 1, 7, and 13.

IV. The 35 U.S.C. § 103 Rejections

Claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Martinez* in view of Jancke et al., United States patent 5,764,913 (hereinafter *Jancke*). Applicant respectfully traverses the 35 U.S.C. § 103 rejections of record.

To establish a *prima facie* case of obviousness, three basic criteria must be met, including the prior art reference (or references when combined) must teach or suggest all the claim limitations, see M.P.E.P. § 2143. Applicant respectfully asserts that the modification to the applied reference proffered in the Office Action do not meet all the claim limitations. Applicant has shown above that *Martinez* does not teach every element of independent claims 1, 7, and 13. Dependent claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18 are each directly or indirectly dependent from one of the above independent claims, and thus inherit the limitations recited therein. The 35 U.S.C. § 103 rejections of record do not rely upon the disclosure of *Jancke* to meet the above identified deficiencies in the disclosure of *Martinez*. As such, a *prima facie* case of obviousness has not been established with respect to dependent claims 2, 3, 6, 9, 10, 12, 14, 15, 17, and 18.

V. Summary

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10012518-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482733575US, in an envelope addressed to: MS Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: November 2, 2004

Typed Name: Phyllis Ewing

Signature: Phyllis Ewing

Respectfully submitted,

By R. Ross Viguet

R. Ross Viguet
Attorney/Agent for Applicant(s)
Reg. No.: 42,203

Date: November 2, 2004

Telephone No. (214) 855-8185